

REMARKS/ARGUMENTS

Claim Rejections Under § 102

Paragraph 3 of the Action rejects claims 74-80 under 35 U.S.C. 102(b) as being anticipated by Vincent (U.S. Patent No. 5,447,309). Applicant respectfully traverses this rejection because Vincent fails to teach suggest or disclose every element of the claims. Specifically, Vincent fails to teach, suggest or disclose using inserts of a given weight in the crown and sole configured to achieve a desired center of gravity.

Claim 74, as amended, is directed to a club head that can have one of plurality of centers of gravity, namely a low, mid, or high center of gravity. The crown and sole of the club head contain fittings configured to receive inserts comprising a certain weight. The weight of the inserts is selected so as to achieve one of the centers of gravity. Further, the weight of each of the inserts is configured such that the overall weight of the club is unaffected regardless of which of the plurality of centers of gravity are selected via the inserts. As is noted in the present application, optimizing the location of the center of gravity to a particular golfer's swing and ability can improve the golfer's performance (see, e.g., paragraphs 24-26).

Vincent on the other hand does not teach the ability to select a given center of gravity from a plurality of possible centers of gravity using inserts as is taught in the present application and claimed in claim 74. Rather, the invention of Vincent is directed to solving a different problem. As explained in the background of Vincent, the teachings of Vincent are concern with the problems caused when a golfer miss hits the golf ball, i.e., when the golf balls center of gravity is not aligned with the center of gravity of the club head at impact (see col. 1, lines 40-

45). As Vincent explains, when the golfer miss hits the ball causing the golf ball center of gravity to be miss aligned with the club head center of gravity in the horizontal direction, the club head will pivot around the club head's vertical axis (see col. 1, lines 45-54). Vincent goes on to note that prior art solutions do not address the problem in both the vertical and horizontal direction.

In order to prevent the club head from pivoting when the ball is miss hit, Vincent teaches distributing the mass of the club head using three balancing masses configured in a very specific configuration, i.e., a dihedron with very specific angels (see, e.g., col. 2, lines 10-22 and lines 22-27 et seq.). In other words, Vincent teaches distributing the mass of the club head around the center of gravity to eliminate, or reduce the effect of miss hits. Vincent does not teach, suggest, or disclose the use of:

“a crown comprising a fitting configured to receive an insert, the insert comprising a weight configured to achieve a desired one of the possible centers of gravity without effecting the overall weight of the club head; and a sole plate comprising a fitting configured to receive an insert, the insert comprising a weight configured to achieve a desired one of the possible centers of gravity without effecting the overall weight of the club head.”

Vincent cannot anticipate claims 74 because Vincent fails teach, suggest, or disclose each and every element of claim 74 for at least the reasons stated above. Accordingly, Applicants respectfully request withdrawal of the rejection as to claim 74. Further, Applicant respectfully

45). As Vincent explains, when the golfer miss hits the ball causing the golf ball center of gravity to be miss aligned with the club head center of gravity in the horizontal direction, the club head will pivot around the club head's vertical axis (see col. 1, lines 45-54). Vincent goes on to note that prior art solutions do not address the problem in both the vertical and horizontal direction.

In order to prevent the club head from pivoting when the ball is miss hit, Vincent teaches distributing the mass of the club head using three balancing masses configured in a very specific configuration, i.e., a dihedron with very specific angels (see, e.g., col. 2, lines 10-22 and lines 22-27 et seq.). In other words, Vincent teaches distributing the mass of the club head around the center of gravity to eliminate, or reduce the effect of miss hits. Vincent does not teach, suggest, or disclose the use of:

“a crown comprising a fitting configured to receive an insert, the insert comprising a weight configured to achieve a desired one of the possible centers of gravity without effecting the overall weight of the club head; and a sole plate comprising a fitting configured to receive an insert, the insert comprising a weight configured to achieve a desired one of the possible centers of gravity without effecting the overall weight of the club head.”

Vincent cannot anticipate claims 74 because Vincent fails teach, suggest, or disclose each and every element of claim 74 for at least the reasons stated above. Accordingly, Applicants respectfully request withdrawal of the rejection as to claim 74. Further, Applicant respectfully

requests withdrawal of the rejection as to claims 75-84, because these claims depend from claim 74 which is itself allowable over Vincent.

In addition, Applicant respectfully request withdrawal of the rejection as to claims 81-84, because Vincent does not teach any of the limitations added by claims 81-84, nor does the Action suggest that Vincent teaches these limitations.

In addition, Applicant respectfully requests withdrawal of the rejection as to claims 75-80, because Vincent fails to teach that the weight of the inserts can be lighter, heavier, or medium, in order to achieve the desired center of gravity, nor does the Action suggest that Vincent teaches these limitations.

Claim Rejections Under § 103

Paragraph 3 of the Action rejects claims 75-84 under 35 U.S.C. § 103(a) as being unpatentable over Vincent in view of Helmstetter (U.S. Patent 5,755,624). Applicant respectfully traverses the rejection because neither Vincent nor Helmstetter, alone or in combination, teach, suggest, or disclose each and every element of the claims. Specifically, claims 75-84 depend from claim 74, which is allowable over Vincent for at least the reason stated above. Thus, claims 75-84 are allowable unless Helmstetter makes up for the deficiencies of Vincent, which it does not.

In order to make up for the deficiencies of Vincent, Helmstetter must teach:

“a crown comprising a fitting configured to receive an insert, the insert comprising a weight configured to achieve a desired one of the possible centers of gravity without effecting the overall weight of the club head; and a sole plate comprising a fitting configured to

receive an insert, the insert comprising a weight configured to achieve a desired one of the possible centers of gravity without effecting the overall weight of the club head.”

As the Action admits, however, Helmstetter does not teach the above limitations. Accordingly, Helmstetter cannot make up for the deficiencies of Vincent.

Because Vincent and Helmstetter, alone or in combination, fail to teach each and every limitation of claims 75-84, Applicant respectfully request withdrawal of the rejection as to these claims.

In addition, Applicant respectfully request withdrawal of the rejection as to claims 81-84, because Vincent and Helmstetter, alone or in combination, do not teach any of the limitations added by claims 81-84, nor does the Action suggest that either references teaches these limitations.

In addition, Applicant respectfully requests withdrawal of the rejection as to claims 75-80, because Vincent and Helmstetter, alone or in combination, fail to teach that the weight of the inserts can be lighter, heavier, or medium, in order to achieve the desired center of gravity, nor does the Action suggest that either references teaches these limitations.

Paragraph 4 of the Action rejects claims 81-84 under 35 U.S.C. § 103(a) as being unpatentable over Vincent in view of wood (U.S. Patent 6,273,828). Applicant respectfully traverses the rejection because neither Vincent nor wood, alone or in combination, teach, suggest, or disclose each and every element of the claims. Specifically, claims 81-84 depend from claim 74, which is allowable over Vincent for at least the reason stated above. Thus, claims 81-84 are allowable unless wood makes up for the deficiencies of Vincent, which it does not.

Accordingly, Applicant respectfully request withdrawal of the rejection as to claims 81-84, because Vincent and Wood, alone or in combination, do not teach each and every limitation of claims 81-84.

CONCLUSION

Based on the above amendments and remarks, Applicant believes that the claims are in condition for allowance and such is respectfully requested. Applicant believes that no additional claims fees are necessitated by this response. If any additional fees are due the Commissioner is hereby authorized to charge any additional fees required by this response to our Deposit Account No. 13-0480 (Order No. 67175523-001101).

Respectfully Submitted,

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